

REMARKS

The examiner rejected claims 9-11 under 35 U.S.C. § 102(b) as being anticipated by Fischer, alleging Figure 1 shows a loop connected directly to a hole in the latch. Clearly contrary to the examiners assertion, Figures 1 and 3 distinctly show a loop connected to a rod 11 captured by guides 12, the rod being further connected to cord 10 passing around sheave 13 and finally passing through a hole in latch 8 and secured by an end knot. No reasonable view of the arrangement nor definition of the words "connected directly" support the examiner's contention.

Applicant's claim 9 requires "a hole...provided in said latch with a loop disposed **directly** through the hole, said loop being arranged and designed so that a disabled person can...pull said latch from an open position to a closed position and vice versa." The loop in Fischer is not directly connected to a hole in the latch. Further, the arrangement does not allow the user to pull the loop to move the latched from an open positing to a closed position. Spring 7' and cord 10 prevent this level of user control.

Applicant's claim 10 requires the loop to be "connected **directly** to said hole such that it is arranged and designed so that a disabled person can put a finger, or hand or prosthetic arm through it and move the loop horizontally without gripping it in order to move the latch between open and closed position." Again, the loop in Fischer is not directly connected to a hole in the latch, and the arrangement does not allow the user to pull the loop to move the latched from an open positing to a closed position. Spring 7' and cord 10 usurp this function.

Applicant's method claim 11 requires "sliding said latch to a closed position by displacing said loop in a first direction." However, Fischer teaches the method of using a spring 7' to slide said latch to a closed position. Even without spring 7', cord 10, operating only in tensile mode, prevents the displacement of the loop in any direction to cause the latch to move to a closed position.

Applicant therefore traverses the examiner's § 102(b) rejection and respectfully requests the examiner to reconsider his position.

The examiner also rejected claims 9-11 as being unpatentable over Recchione or Finch in view of Lacey, Dollmann, or Coultaus. Lacey, Dollmann and Coultaus each have a loop directly attached to a bolt or latch. However, it would not be obvious to one of ordinary skill in the art to combine any of these references with Recchione.

In Figures 1 and 2, Lacey teaches of attaching a loop to a bolt A to aid in the open movement of the bolt A. However, Lacey teaches of using a spring G to move bolt A to the closed position. Lines 29-31.

In Figures 1A-2C, Dollmann discloses a latch 11 having an indirectly coupled ring 29 designed to pull the latch to the open position. However, Dollmann teaches of using a spring 25 combined with pushing on surface 22 through aperture 23 to move the latch from an open position to the closed position.

Similarly, in Figure 3, Coultaus discloses a bolt which is pulled open by use of loop G, but which is moved to the closed position by force from a spring F.

The examiner by his own admission concedes that Lacey, Dollmann and Coultaus teach away from the present invention of having a loop to aid in the closing motion of a horizontal springless latch by stating it "would have been obvious...to include...a loop...in order to help in the open movement of the latch," while remaining conspicuously silent on the issue of closing the latch. Teaching away from the art is a per se demonstration of lack of prima facie obviousness. *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

The state of the art in latch design at the time of applicant's invention is aptly described by the six patents disclosing a latch having a loop which are cited by the examiner in the last two office actions: Lacey (U.S. 426,389), Dollmann (U.S. 6,076,867), Coultaus

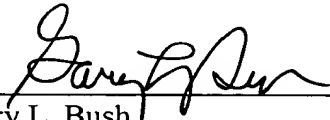
(U.S. 357,116), Fischer (U.S. 1,615,120), Hudson (U.S. 550,719), and George (U.S. 540,911). In all six disclosures, the latches contained springs to effect the closing of the latch. Clearly, the loops are employed for the sole purpose of aiding an operator to overcome the force of the closing springs. The loops are not structurally designed and arranged for operation by prosthetic limbs. The examiner has failed to cite any prior art wherein loops are used to close a springless latch or wherein loops are sized to accommodate a prosthetic limb. Thus, the state of the art at the time of applicant's invention uses loops only to solve the limited problem of allowing a user of normal facility to comfortably open a latch against closing spring force.

Obviousness is not established by a combination of prior art teachings absent some teaching, suggestion, or incentive supporting the combination. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir.1984). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01. The prior art does not suggest the desirability of using a loop to help a user close a latch. The prior art does not suggest the desirability of using a loop to help a user with a prosthetic limb to operate a latch. The prior art only suggests the desirability of using a loop to aid a user of normal facility to overcome spring force in a latch. Therefore, it would not be obvious to combine any of the teachings of Lacey, Dollmann, or Coultaus with either Finch or Recchione.

In order to clarify the invention from the cited prior art, claims 9-11 are amended to include the limitation of having no spring. Claims 9-11 are novel and patentably distinct. Allowance of all claims and passage to issue is requested.

Respectfully submitted,

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